UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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) Case No. 1:19-cv-9410 (PKC) (KHP)
)) MOTION TO WITHDRAW
SECOND AMENDED COMPLAINT
)

Plaintiff Finco Services, Inc. and Defendants Facebook, Inc., Calibra, Inc. and JVL, LLC, through their Counsel, jointly move to withdraw the Second Amended Complaint pending in the Southern District of New York.

In support of this motion, Counsel states as follows:

- 1. Plaintiff moves to withdraw the Second Amended Complaint (Dkt. 58) and to recognize the Amended Complaint (Dkt. 41) as the operative pleading against the remaining defendants in this matter.
- 2. Plaintiff filed the Second Amended Complaint to address certain deficiencies alleged in the motion to dismiss filed by Defendant Character SF, LLC ("Character"). Because Character is no longer a party to this action and the Second Amended Complaint modified Plaintiff's allegations against Character only, Plaintiff wishes to withdraw the Second Amended Complaint.
 - 3. Defendants consent to this motion as evidenced by Counsel's signature.
- 4. Thus, Counsel respectfully request that this motion be granted.

 Respectfully submitted,

/s/ Kandis M. Koustenis

Kandis M. Koustenis BEAN KINNEY & KORMAN PC 2311 Wilson Boulevard, Suite 500 Arlington, VA 22201 (703) 525-4000 (703) 525-2207 (fax) kkoustenis@beankinney.com

Ethan Horwitz
CARLTON FIELDS P.A.
405 Lexington Avenue, 36th Floor
New York, New York 10174
(212) 380-9617
(212) 785-5203 (fax)
ehorwitz@carltonfields.com

Attorneys for Finco Services, Inc.

Dated: May 5, 2020

/s/ Johanna Schmitt

Dale M. Cendali
Johanna Schmitt
Jordan Romanoff
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800
dale.cendali@kirkland.com
johanna.schmitt@kirkland.com
Jordan.romanoff@kirkland.com

Attorneys for Defendants Facebook, Inc., Calibra, Inc. and JVL, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing (NEF) to all registered users of the Court's CM/ECF system who have filed notices of appearance in this matter.

/s/ Kandis M	. Koustenis
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